

length of the collar so that any edges may be covered by it, preventing from trimming any excess of flexible material".

This rejection is traversed and reconsideration and withdrawal of the same is respectfully requested as the examiner's basis for modifying the structure of Solazzi '854 is still nothing more than impermissible hindsight gained from reading the applicant's disclosure.

The examiner now asserts that column 3, lines 53-63 in Solazzi '854 suggests the instant invention. Applicant, however, finds nothing in this portion of Solazzi '854 or in any other reference of record which suggests that the annular collar and snap ring in Solazzi '854 can be or should be made as a single tubular member adapted to engage the circumferential edge of the receptacle member for the reasons to be explained below.

Applicant, however, has submitted new claims 25-28 which Applicant feels more clearly distinguishes the invention from that of the prior art. Claim 25 in particular requires a "first tubular member having a first end, a second end, and a frustoconically shaped outer surface that converges continuously from said first end to said second end" and a "second tubular member having a first end and a second end...said second tubular member including a frustoconically shaped inner surface which converges continuously from said first end to said second end". X

In contrast, the outer surface of the tubular member 17 in Solazzi '854 does not include a frustoconically shaped outer surface which converges continuously from the first end to the second end. Nor does the first end of the second tubular member abut against the annular flange of the first tubular member when fully assembled. The significance of these differences will be explained below.

As already stated in prior communications between the Applicant and the Examiner, the instant invention provides many improvements over the prior art including in particular, the elimination of the need to trim excess thin film material formed

around the cell body which reduces the operational steps and labor in assembling the sample cups.

More importantly, however, is the way the instant invention allows the sample cup to be assembled with a more consistent wrinkle-free thin film material that provides a consistently planar sample surface which improves the reliability of the data.

Claim 25 clearly distinguishes the instant invention in this regard and in particular recites that when the first and second tubular members are initially engaged with each other to assemble a sample receptacle, the second tubular member entraps the thin film between its inner surface and the outer surface of the first tubular member. Then, as the second tubular member is pushed into full engagement the inner surface of the second tubular member grasps the overhanging portion of the thin film and acts to progressively increase the tautness of the film which extends across the second end of the first tubular member.

The structure of the Solazzi '854 patent is not capable of providing any significant amount of progressively increasing tautness of the film as the cup components are assembled because the short length of the collar prevents the collar from grasping and pulling the film any significant amount during assembly.

Accordingly, claim 25 and claims 26-28 which depend therefrom, distinguish over the prior art of record, and as such, should be allowed to issue.

## **II. PRIOR ART NOT RELIED UPON**

The applicant has carefully reviewed the prior art made of record and not relied upon to reject the claims. The applicant's conclusion with regard to these references is that none of them either singly or in any combination with any other prior art reference of the record, discloses, teaches or suggests the instant invention.

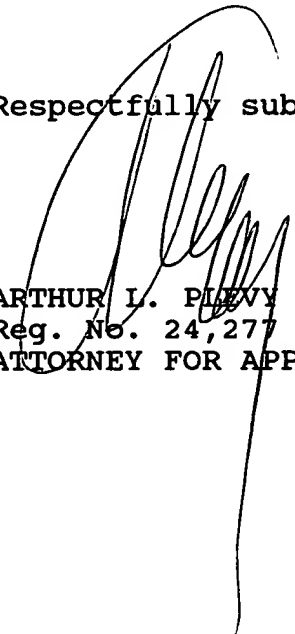
### III. CONCLUSION

In view of the foregoing, the applicant submits that claims 25-28 are currently in condition for allowance, early notification of which is earnestly solicited. Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

### V. FEES

If there are any fees due and owing, please charge Deposit Account No. 16-2131.

Respectfully submitted,

  
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